Statement of Congressman Raúl M. Grijalva
on H.R. 4459 and H.R. 4606
July 8, 2004.

Thank you, Mr. Chairman and Ranking Member Napolitano for scheduling this mark-up today.

Mr. Chairman, the markup of H.R. 4459 and H.R. 4606 today is very timely not only for what it means for the people of California, but for what it means to all people who could be affected by perchlorate contamination.

The problem of perchlorate contamination in our water is gaining more and more recognition around the country as it is being found not only in the groundwater we drink, but more frequently in the food we eat. The EPA has detected perchlorate in 34 states and attributes a significant portion of the contamination to defense manufacturing and test sites.

A GAO report issued in May of this year stated that a more proactive approach to identifying perchlorate contamination is needed. GAO, "DOD Operational Ranges: More Reliable Cleanup Cost Estimates and a Proactive Approach to Identifying Contamination are Needed," GAO-04-601, May, 2004. The GAO looked at six Department of Defense (DOD) sites where munitions were spent or tested. Each site was reporting high levels of perchlorate, and nothing was being done to clean up the perchlorate at any of these sites. This is reportedly because the DOD is not requiring any clean-up. In fact, the DOD has done nothing to clean up perchlorate contamination anywhere, unless required to do so under the Safe Drinking Water Act's Unregulated Contaminant Monitoring Regulation.

A Federal District Court in California recently ruled that perchlorate is a hazardous waste under the Resource Conservation and Recovery Act because it is ignitable. The costs of dealing with the effects of perchlorate contamination through the courts could be astronomical to the federal government, and to small farmers who may have known their crops were being irrigated with contaminated water, but were helpless to do anything about it. An EPA determination regarding safe levels of perchlorate in drinking water is not expected to come out until 2006-2008. This determination will initiate important federal regulatory oversight over perchlorate. However, we need to start considering steps to clean up contaminated sites now.

This problem has significant implications to our nation's farms. In a recent study produced by the Environmental Working Group, it was found that lettuce irrigated with Colorado River water had perchlorate levels four times higher than the EPA's recommended safe dose for a glass of drinking water. Perhaps even more troubling is the persistence of this chemical as it passes through the food chain. A recent report found milk contaminated with perchlorate. The reason cited for the contamination was alfalfa irrigated in California and Arizona with Colorado River water which was consumed by the dairy cattle that produced the milk. In my district, in Arizona, we are not only irrigating with Colorado River water, but we are using it to recharge our overdrawn aquifers.

My hometown of Tucson, Arizona has been struggling for several decades with the effects of TCE contamination in our own aquifer. This contamination has caused cancer clusters, and clusters of other serious life threatening diseases. I cannot stress enough the potentially catastrophic effects that could result from any perception or actual negative health and economic impacts from perchlorate reaching our groundwater.

Between now and when these bills go to full committee I would like to work on this matter with other members to address this problem in a proactive and comprehensive manner considering the needs of other regions that are feeling the impacts of perchlorate contamination.